IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 3786 of 2007(A)

PETITIONER:

K.P.VIJAYAN NAIR, AGED 56 YEARS,
S/O.PRABHAKARA MENON,
NEDUMPILLY HOUSE, KODANAD,
KOOVAPPADY, KUNNATHUNAD TALUK
PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.RAJESH VIJAYAN

RESPONDENTS:

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1. SENIOR INSPECTOR OF CO-OPERATIVE SOCIETIES FOR ARBITRATION AND EXECUTION, MUVATTUPUZHA.

2. MUVATTUPUZHA GOVERNMENT SERVANTS CO-OPERATIVE SOCIETY NO. 146, REP. BY ITS SECRETARY.

BY SENIOR GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 3786 OF 2007

Dated this the 2nd February, 2007.

J U D G M E N T

The writ petitioner while in service availed a loan from the second respondent Bank. He could not repay the same in full. Hence, after his retirement, proceedings has been initiated against him. Ext.P1, a demand notice, dated 28.12.2006, has been issued demanding an amount of Rs.37,913/=. Writ petitioner submits that he had already remitted an amount of Rs.28,358/=, and, therefore, the balance is only a small amount. Hence, Ext.P1 is sought to be quashed.

2. After hearing the learned counsel appearing for the writ petitioner, as well as the learned Senior Government Pleader, without issuing notice to respondents 1 and 2, I dispose of the writ petition, directing the writ petitioner to approach the second respondent and file a representation, within 10 days from today, requesting for one time settlement facility. On receipt of the same, the second respondent shall hear the writ petitioner and dispose of the same, on merit, extending the facilities available under the one time

settlement scheme, as per the Circular No.59/2006, dated 30.11.2006. This shall be done within three weeks from the date of receipt of a copy of the representation for one time settlement.

3. Till the disposal of the representation by the second respondent, as aforesaid, coercive steps initiated against the writ petitioner, if any, including the demand notice issued, shall be kept in abeyance.

J.M. JAMES,
JUDGE

nj.